

UNITED STATES DISTRICT COURT
for the
District of Oregon

United States of America)
v.)
)
) Case No. 3:23-mj-00009
NANCY GARCIA)
)
)
)

Defendant(s)

**CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 16, 2023 in the county of Marion and elsewhere in the
District of Oregon, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. §§ 841(a)(1), (b)(1)(A)(i) and (vi)	Possession with intent to distribute controlled substances (heroin and fentanyl)

This criminal complaint is based on these facts:

See the attached affidavit of DEA Special Agent Jeffrey R. Thomas.

Continued on the attached sheet.

/s/ Signed by telephone

Complainant's signature

Jeffrey R. Thomas, DEA Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 6:11 ~~xxx~~/p.m.

Date: January 17, 2023

Youlee Yim You

Judge's signature

City and state: Portland, Oregon

YOULEE YIM YOU, U.S. Magistrate Judge

Printed name and title

DISTRICT OF OREGON)
COUNTY OF MULTNOMAH) ss. AFFIDAVIT OF JEFFREY THOMAS
)

Affidavit in Support of a Criminal Complaint

I, Jeffrey Thomas, being first duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7). I am currently employed as a Special Agent with the Drug Enforcement Administration (DEA), United States Department of Justice, and have been so employed since 2012. In that capacity, I investigate violations of the Controlled Substances Act, Title 21, United States Code, Section 801, *et. seq.* My current assignment is with the DEA Salem Resident Office, investigating controlled substances crimes. My training and experience includes completion of the sixteen (16) week DEA Basic Agent Training course at the Justice Training Center in Quantico, Virginia. This training focused on the identification of controlled substances; how controlled substances are consumed; the means by which drug traffickers derive, launder, and conceal their profits from drug trafficking; the use of assets to facilitate unlawful drug trafficking activity; and the laws relating to the forfeiture to the United States of assets purchased with drug proceeds or assets used or intended to be used to facilitate drug violations. I am familiar with investigations of drug trafficking organizations, including methods of importation and distribution of controlled substances. I have assisted with multiple investigations, including nine wiretap investigations, and cases involving organizations trafficking several different controlled substances to include heroin, methamphetamine, cocaine, fake oxycodone/fentanyl pills, and marijuana. These investigations have resulted in the seizure

of controlled substances as well as United States currency and the prosecution of many defendants.

Purpose of Affidavit

2. This affidavit is submitted to support a criminal complaint and arrest warrant for **NANCY GARCIA** (“**GARCIA**”), Hispanic female, date of birth xx/xx/1975, for possession with intent to distribute the controlled substances fentanyl and heroin, in violation of Title 21, United States Code, Section 841(a)(1) (hereinafter the “Target Offenses”).

Applicable Law

3. Title 21, United States Code, Sections 841(a)(1) makes it illegal to possess with the intent to distribute heroin and fentanyl, which are both federally scheduled controlled substances. Possession with intent to distribute 1 kilogram or more of a mixture or substance containing a detectable amount of heroin, or 400 grams or more of a mixture or substance containing a detectable amount of fentanyl is punishable by 10 years to life imprisonment, a fine of up to \$10 million, and not less than five years’ supervised release.

4. I have obtained the facts set forth in this affidavit through my personal participation in the investigation described below; from oral reports of other law enforcement officers; and, from records, documents and other evidence obtained during this investigation.

Statement of Probable Cause

Oregon State Police Task Force Officer Stops GARCIA for Traffic Violation and Seizes Bulk Narcotics

5. On January 16, 2023, at approximately 8:56 p.m., Salem DEA Task Force Officer (TFO) Adam Miller, who is also a canine handler for Oregon State Police (OSP), initiated a traffic stop on a vehicle operated by **GARCIA** for a traffic violation as **GARCIA** traveled

northbound on I-5 near milepost 243, south of Salem, Oregon. TFO Miller identified **GARCIA** as the driver and sole occupant from her Arizona driver license. TFO Miller noticed an approximately 18-inch-tall Santa Muerte statue sitting in the front passenger seat of the **GARCIA's** vehicle. Based on TFO Miller's training and experience, he recognized the statue as something some people in the drug trafficking world recognize as a saint, and that they believe Santa Muerte, and prayers to Santa Muerte, help protect people involved in distributing controlled substances. Below is an image of the Santa Muerte statute from **GARCIA's** car:



6. During the encounter, TFO Miller asked **GARCIA** if the car she was operating belonged to her. **GARCIA** first said that the car belonged to her boyfriend. TFO Miller asked what the boyfriend's name was but **GARCIA** could not say. TFO Miller confronted **GARCIA** for lying about the owner of the car and **GARCIA** explained that the car was owned by her

friend's husband, but that she didn't know his name. TFO Miller asked **GARCIA** if the rightful owner of the car knew where his car was and she confirmed that he knew where it was.

7. TFO Miller recognized that the car was registered in Arizona and **GARCIA** provided her Arizona driver license as her identification. TFO Miller asked **GARCIA** where she was going and initially she said she was going to Seattle, Washington, and then changed her destination to Portland, Oregon. TFO Miller asked how long she planned to stay in Portland. **GARCIA** first said she planned to be in Portland a week, then changed it to a day or two. TFO Miller asked where **GARCIA** planned to stay, and she said at a motel.

8. Based on **GARCIA**'s inconsistent answers about the car, her destination, and her demeanor during their exchange, a TFO Miller believed that **GARCIA** was being deceptive in her answers. Based on his training and experience, TFO Miller and I know the southwest border area, to include Arizona where **GARCIA** is from, to be a source area for controlled substances being trafficked from Mexico to the United States. TFO Miller and I also know that Portland, Oregon and Seattle, Washington are destination cities for controlled substances to be trafficked to from boarder states like Arizona. Based on **GARCIA**'s inconsistent and deceptive answers, her demeanor, and his observation of the narcotics idol (the Santa Muerte statue), as well as his training and experience, TFO Miller checked **GARCIA**'s name and date of birth for any prior criminal history. TFO Miller saw that **GARCIA** had multiple prior arrests for controlled substance charges and a federal conviction in 2016 for manufacturing and distributing a controlled substance. The criminal history showed that **GARCIA** received 21 months of prison time 24 months supervised release. TFO Miller recognized that **GARCIA**'s supervised release would have expired approximately two or three years ago.

9. TFO Miller then asked **GARCIA** if she had anything illegal in the car. **GARCIA** looked at the ground and said no. [REDACTED]

[REDACTED] At that time TFO Miller recited the oral Miranda Warnings to **GARCIA**. **GARCIA** verbally confirmed that she understood her rights and did not have any questions. [REDACTED]

[REDACTED] TFO Miller asked **GARCIA** for consent to retrieve the fentanyl pills and she gave verbal consent to retrieve the pills. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

10. TFO Miller did not deploy his canine but searched the vehicle based on the probable cause developed during the stop and consent provided by **GARCIA**. TFO Miller then found two plastic grocery sacks inside a larger bag on the floor behind the driver's seat. TFO Miller could see that the bags contained small round light blue tablets marked "M" and "30." TFO Miller recognized that these tablets fit the description of fake oxycodone pills that contain fentanyl.

11. After the search was completed, at about 9:40 p.m., TFO Miller transported **GARCIA** and the controlled substances to the Oregon State Police Patrol Office for further examination. Once at the OSP Office TFO Miller looked more closely at the plastic bags where the pills were located. TFO Miller found three additional burrito shaped packages that I believe contain heroin. TFO Miller then secured the evidence at the OSP office and lodged **GARCIA** at the Marion County Detention Center.

12. On January 17, 2023, TFO Miller transported the controlled substances to the DEA Salem Office where I helped TFO Miller field test the suspected heroin and process the drugs into evidence. TFO Miller and I field tested the brown powder substance found inside one of the three burrito shaped packages. The field test returned a presumptive positive test for heroin. All three packages were about the same size, shape, and weighed about the same amount. TFO Miller and I also noticed that all three packages had an M&Ms candy wrapper used as a label. The three burrito shaped packages combined for a total weight of approximately 2,481.3 grams (including packaging) of suspected heroin. Below is a photograph of the heroin seized from the car **GARCIA** was driving:



13. The pills were small round light blue pills marked "M" and "30." This description is consistent with the description for counterfeit oxycodone pills that have tested

positive for fentanyl in previous investigations that I have been involved. The pills were packaged as small bundles in clear plastic baggies and did not appear consistent with pharmaceutical packaging from a pharmacy or other lawful source of legitimate oxycodone pills. Several baggies of pills were then placed together in a larger Ziploc style plastic bag. There were four of these large Ziploc type bags with a combined weight of 4,750.5 grams of suspected fentanyl pills (including packaging). Below are photos of the pills seized from the car **GARCIA** was driving:



14. Based on my training and experience, I know that fentanyl tablets are frequently packaged in plastic baggies for distribution. I also know that it is common for bulk quantities of fentanyl pills to be packaged in large Ziploc bags for wholesale distribution and transportation. I also know that heroin is often packaged for transportation from California or Arizona to Oregon in burrito shaped packages. Additionally, I know from training and experience, that 2,481.3 grams of heroin and 4,750.5 grams of fentanyl tablets are not user quantities but rather indicates it is possessed for purposes of further distribution. Furthermore, the way the heroin and fentanyl

pills were packaged is also indicative of possession with the intent to distribute bulk quantities of controlled substances.

Conclusion

15. Based on the foregoing, I have probable cause to believe, and I do believe, that **GARCIA** committed the crime of possession with intent to distribute the controlled substances fentanyl and heroin, in violation of Title 21, United States Code, Section 841(a)(1). I therefore request that the Court issue a criminal complaint and arrest warrant for **GARCIA**.

16. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney Paul Maloney. AUSA Maloney advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

Request for Sealing

17. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the information to be seized is relevant to an ongoing investigation, and any disclosure of the information at this time is likely

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to seriously jeopardize the ongoing investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

By phone pursuant to Fed R. Crim. P. 4.1
JEFFREY THOMAS
Special Agent
Drug Enforcement Administration

Subscribed and sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 6:11 ~~xxx~~p.m. on 17th day of January, 2023.

Youlee Jim You
HONORABLE YOULEE YIM YOU
UNITED STATES MAGISTRATE JUDGE